



Patent
Attorney's Docket No. 1033136-000414

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	
Sonya Montgomery et al.)	Group Art Unit: 3761
Application No.: 10/827,329)	Examiner: Leslie R Deak
Filing Date: April 20, 2004)	Confirmation No.: 2934
Title: APPARATUS AND PROCESS FOR)	
CONDITIONING MAMMALIAN BLOOD)	

SUBMISSION OF TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached please find two executed Terminal Disclaimers in connection with the application identified above. The requisite fee for each Terminal Disclaimer is ☒ 65 ☐ 130.

☐ Charge _____ to Deposit Account 02-4800 for the fee due.

☒ Charge \$ 130 to credit card. Form PTO-2038 is attached.

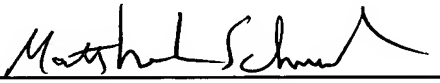
This paper is submitted in duplicate.

Respectfully submitted,

BUCHANAN INGERSOLL PC

Date June 23, 2006

By:


Matthew L. Schneider
Registration No. 32814

P.O. Box 1404
Alexandria, VA 22313-1404
703.836.6620



**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION
OVER A PRIOR PATENT**

Docket Number (Optional)
1033136-000414

In re Patent Application of: Sonya Montgomery et al.
Application No.: 10/827,329
Filed: April 20, 2004
For: APPARATUS AND PROCESS FOR CONDITIONING MAMMALIAN BLOOD

The owner*, Vasogen Ireland Limited, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 and 173 as presently shortened by any terminal disclaimer, of prior Patent No. 6,802,892. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: Expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

Signature

Teresa S. Rea

Typed or printed name

703.836.6620

Telephone Number

6/23/06

Date

- ☒ Terminal disclaimer fee under 37 C.F.R. § 1.20(d) is included.

*Statement under 37 C.F.R. § 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

06/26/2006 SZEWDIE1 00000092 10827329

03 FC:2814

65.00 0P